

Serial No. 10/736,154

SECTION II. REMARKS

By the present amendment, Applicants have cancelled claims 1 and 2; amended claims 3, 4, 8, 15, 20, and 22-25; and added new claims 46-47. As a result, claims 3-47 are pending in the present application with claims 3, 4, and 28 being independent claims. Remarks addressing the claim objections and the claim rejections under §§ 112, 102, and 103 contained in the Office Action mailed April 5, 2005 are provided below.

Objection to Claims 3-7, 9-14, 16-19, and 26-27 (Allowable Subject Matter)

Claims 3-7, 9-14, 16-19, and 26-27 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (Office Action, page 8). Accordingly, claims 3 and 4 have been amended herewith to each become independent claims, with the remaining claims of the objected-to group (i.e., claims 5-7, 9-14, 16-19 and 26-27) being dependent, whether directly or indirectly, on either claim 3 or claim 4.

§112 Rejection of Claim 8

Claim 8 was rejected under 35 U.S.C. § 112 for lack of antecedent basis in the claim for the limitation "modules." Claim 8 has been amended to now depend from claim 6, which specifies that "the mass spectrometer comprises a chassis and a plurality of discrete modules retained by the chassis." Since antecedent basis now properly exists for the limitation "modules," withdrawal of the §112 rejection of claim 8 is respectfully requested.

§102 Rejection of Claims 1, 15, and 22

Claims 1, 15, and 22 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 6,410,915 to Bateman et al. Since claim 1 has been cancelled, its rejection is now moot. Since claims 15 and 22 have been amended to now depend from claim 3 – which the Examiner has already indicated is drawn to allowable subject matter – it is believed that they are also drawn to allowable subject matter as subsets of an allowable claim (37 C.F.R. 1.75(c)). Accordingly, withdrawal of the §102 rejection of claims 1, 15, and 22 is respectfully requested.

§102 Rejection of Claims 1-2, 20-22, and 25

Claims 1-2, 20-22, and 25 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent Publication No. 2002/0068366 to LaDine et al. Since claims 1 and 2 have been cancelled, their rejection is now moot. Additionally, since claims 20-22 and 25 have been

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amended to now depend from claims 3 or 4 – which the Examiner has already indicated are drawn to allowable subject matter – it is believed that they are also drawn to allowable subject matter as subsets of allowable claims. Accordingly, withdrawal of the §102 rejection of claims 1-2, 20-22, and 25 is respectfully requested.

§103 Rejection of Claims 1- 2 and 22-24

Claim 2 was rejected under 35 U.S.C. 103(a) as being allegedly unpatentable for obviousness over Bateman, et al. (U.S. 6,410,915) in view of U.S. Patent No. 6,580,070 to Cornish, et al.

Additionally, claims 1-2 and 20-24 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable for obviousness over U.S. Patent No. 6,264,892 to Kaltenbach et al. in view of U.S. Patent No. 6,580,070 to Cornish, et al. Since claims 1 and 2 have been cancelled herewith, their rejections are now moot. Additionally, since claims 20-24 have been amended to depend (whether directly or indirectly) from claims 3 or 4 – which the Examiner has already indicated are drawn to allowable subject matter – it is believed that they are also drawn to allowable subject matter as subsets of allowable claims. Accordingly, withdrawal of the §103 rejections of claims 1-2 and 22-24 is respectfully requested.

New Claims

Newly-submitted dependent claims 46 and 47 claim further salient features of the invention. No new matter has been added.

(No) Fee Payable for New Claims

Applicants previously presented two independent claims and forty-five total claims. By virtue of the present amendment, the total number of claims has not changed and the number of independent claims remains no greater than three. As a result, it is believed that no excess claim fees are payable in conjunction with the present amendment.

Request For Consideration of Previously-Submitted Information Disclosure Statements

It appears that three Information Disclosure Statements, filed on September 28, 2004 (electronically), on December 22, 2004 (electronically), and March 22, 2005 (by mail) have not yet been considered in the present application. All of these three IDSs were timely filed prior to the mailing of the first action on the merits on April 5, 2005, and it is believed that no fee is due in connection with the IDSs. Consideration of these three previously-submitted IDSs is respectfully requested.

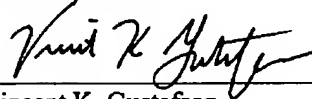
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Conclusion

Claims 3-47 as amended/added herein and now pending in the application, are fully patentably distinguished over the cited references, and in form and condition for allowance. Issue of a Notice of Allowance for the application is therefore requested.

If any issues remain outstanding, incident to the formal allowance of the application, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss the same, in order that this application may be allowed and passed to issue at an early date.

Respectfully submitted,



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